

Legal Regulation and the Juridification of Party Governance

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Introduction: Legal Regulation and the Juridification of Party Governance

‘Modern organizations are immersed in a sea of law’.¹ More specifically, the internal governance of voluntary organizations² within civil society, such as political parties, advocacy groups or public benefit organizations is increasingly shaped by legal regulation. ³This development, in a sphere long considered as ‘private’, which crucially affects how citizens organize to jointly pursue their collective interests in the political sphere, can be interpreted as an indication of ‘juridification’: the proliferation of the law in formerly unregulated areas.⁴ A related development is the voluntary emulation of rule of law principles to regulate dispute resolution in spheres such as organizational governance where this is not legally required.⁵ This paper theorizes and empirically examines the relationship between these two conceptualizations of ‘juridification’⁶ with regard to political parties’ internal governance structures.⁷

Internal divisions create strategic disadvantages for political organizations of all kinds keen to present themselves as effective representatives of their constituents’ interests, be this in agenda-setting, contesting elections or governing.⁸ Even more, the inability to manage severe conflict might threaten an organization’s survival. Political parties, for example, have expanded the power of their members in a range of areas.⁹ While widely considered as ‘legitimacy enhancing’, a powerful membership can encourage the active voicing of diverse opinions, which, in turn, can intensify internal conflict.¹⁰ Despite the growing importance of intra-organizational conflict regulation and a considerable literature – especially on parties – dealing with different sources of or arenas for internal conflict,¹¹ we still know relatively little about the nature of the procedures that these organizations adopt to address this increasingly important challenge.¹² Simultaneously, while a growing body of

research deals with the legal regulation of parties and groups,¹³ the consequences of such regulation for the juridification of organizational governance itself as reflected in an organization's own rules and, more particularly, the intersection between the legally imposed and voluntary emulation of rule of law principles within organizational governance has not been systematically looked at.

To address this gap, we examine the *legally imposed* and the *self-imposed* 'juridification' of regimes of conflict regulation within political parties – voluntary membership organisations central to the very functioning of democracy.¹⁴ We define 'conflict regulation regimes' as the range of formal, intra-organizational rules and procedures used to manage, resolve or silence internal divisions to assure an organization's on-going functioning.¹⁵ 'Party juridification', in turn, is defined as the *replication of rule of law principles within intra-organizational procedures* (e.g. norms of due process, such as the independence of tribunals, or rights to appeal).¹⁶

We expect the extent of *self-imposed juridification* of party conflict regulation to be shaped by ideology, with leftist/progressive organizations exhibiting greater degrees of juridification owing to their relatively greater commitment to equality and equal treatment of members,¹⁷ equality assured by the emulation of rule of law principles in conflict regulation. We further theorize the implications of *legally imposed juridification* (when organizational governance is made subject to law) to examine whether organizations only meet the specific formal-legal requirements they *have to comply with* (*coercive convergence*) or they adopt conflict regulation structures that replicate legal standards underpinning the institutional setting they operate in *beyond what is formally required by law* (*voluntary convergence*). While the former reflects a materialist notion of the law as a system of rewards and penalties to which regulated actors respond strategically (and thus in

a minimalist fashion), the latter reflects a culturalist notion of the law instead as a ‘pervasive belief system’ finding reflection in organizational practices more widely.¹⁸ Contrasting the two notions in our study thus grants important insights in how deeply the expansion of formal-legal regulation affects organizational governance, visible in how parties respond to increasingly demanding legal environments when designing their own rules.

We test our theoretical expectations through a comparative analysis of conflict regulation regimes established in the statutes of 23 political parties that span the ideological spectrum, while operating in four European democracies with most different party laws (Germany, Norway, Spain and the UK). Our findings stress the importance of considering (ideologically shaped) self-imposed juridification of party conflict regulation in conjunction with legally imposed juridification to understand intra-party governance. More specifically, where organizational governance is subject to formal-legal regulation, the adoption of rule of law principles in party rules *transcends* formal-legal requirements, supporting the idea of voluntary convergence leading to a higher degree of juridification within parties than is legally required.

Our paper is structured as follows. In the next section, we specify our concept of the ‘juridification’ of party conflict regulation and hypothesize, first, the role of the party’s ideological disposition and second, the role of external, formal-legal requirements in fostering either coercive or voluntary convergence in the juridification of political parties’ conflict regulation regimes. Having described our rationale for case selection, we present a new index of the juridification of party conflict regulation and its application to 23 state-wide parties in the UK, Norway, Spain and Germany. We conclude by discussing the broader implications of our findings as well as suggesting avenues for future research.

Theorizing Patterns of Party Juridification

Building on broad notions of ‘juridification’ as ‘the penetration of law and legalism into domains previously governed by other forms of social ordering’,¹⁹ the juridification of party conflict regulation becomes manifest in the implementation of rule of law principles (e.g. equal access to the ‘courts’, the hearing of the conflicting interests, the impartiality of the ‘judge’) within a party’s rules and procedures that assure the fair and equal treatment of the parties involved in a dispute.²⁰ Ideally, imparting a quasi-legal foundation to intra-organizational conflict regulation procedures (juridification) strikes a balance between the protection of organizational actors’ rights (be those held by elites or members) and the prevention of rights abuses by those actors to the detriment of the organization as a whole. The former is essential for any (formally allocated) rights to be freely and effectively exercised (‘voice’). In this sense, high levels of the ‘juridification’ of conflict regulation can underpin democratic decision-making structures in terms of inclusive member participation in those organizations that have adopted such structures and, under these conditions, can reinforce intra-organizational democracy.²¹ At the same time, the prevention of rights abuses damaging an organization (protecting the interests of the collective) – by elites or members – can require the officially sanctioned application of disciplinary measures (‘control’), which is important to the functioning of organizations, whether members have decision-making power or not. Generally, the juridification of organizational governance (whether self- or legally imposed) places restrictions on how and by whom such ‘control’ can be exercised. Consequently, a high degree of juridification has important functional implications for all membership organizations including parties. When assuring a fair and equal treatment by party tribunals, these procedures can enhance legitimacy by protecting

the 'voice' of those who do not hold privileged positions in the organization (thus are usually in a weaker position when it comes to internal conflict and often have no say in the use of intra-organizational sanctions and do not necessarily have a say in internal decision-making). Simultaneously, they curtail elites'²² capacity to manage and, thereby, contain conflict quickly (e.g. by the application of sanctions), potentially weakening the organization as a whole. This is why the nature of procedures for intra-party conflict regulation are not only important but also contentious.

This is not to say that formal intra-party rules such as those constituting conflict regulation regimes cannot be circumvented or manipulated by those in charge, as the on-going and unresolved debate around the *actual* consequences of intra-party reforms broadening members' rights in areas such as candidate or leadership selection highlights.²³ What we do, however, argue is that the formal rules parties give themselves – once in place – constrain elites and shape internal dynamics in various ways, as echoed by recent case studies on how conflict regulation procedures operate in practice.²⁴ For example, for members to commence legal action against their organization for violating its own rules, and for the courts to get involved in intra-party life, does not require these rules' underpinning by specific party laws²⁵ as recently experienced by UK Labour in a conflict over its leadership election rules that attracted extensive media scrutiny. When conflict remains 'contained' and is completely managed within the organization, formally granted rights and protections can be used by dissenters to insist in being heard, whether party governance has remained – in legal terms – 'private' or not. This is also the case because intra-party conflict and how parties deal with it attracts considerable media attention. It is one indication of parties' attitudes towards 'pluralism', whose simple repression is increasingly deemed unacceptable,

preventing party elites from simply prioritizing ‘control’, not only but especially when party rules require otherwise.

Ideological Dispositions and Self-imposed Juridification

Given its contentiousness, we expect party juridification to be affected by the ideological disposition of the organization that shapes whether it prioritizes the protection of membership rights (suggesting high juridification of conflict regulation procedures) or enhances elite control to protect organizational integrity and assure its functioning (suggesting low juridification). Research on parties as well as on social movements has shown that left-leaning parties (e.g. green, left-libertarian and social democratic) organizations holding anti-authoritarian and emancipatory values are more likely to emphasize democratic principles in their rules, whereas right-leaning organizations that embrace conservative or authoritarian values are less likely to do so.²⁶ Similarly, left-leaning parties and movements hold strong notions of member equality.²⁷ We therefore expect those parties to be particularly inclined to reproduce legal norms protecting members’ rights (including fair and equal treatment in conflict situations), and hence, to adopt legal standards within conflict regulation procedures. Everything else being equal, right-leaning organizations are expected to prioritize control instead, which suggests lower juridification of conflict regulation in political parties that will be visible in fewer protections for intra-party actors involved in conflict situations and more leeway for the application of top-down sanctions.

H1 (*Ideological Disposition Hypothesis*). *Ceteris paribus*, left-leaning political parties display a higher juridification of their conflict regulation regimes than right-leaning parties.

Party Juridification through Formal-Legal Constraints - Coercive or Voluntary

Convergence?

While the diversity of ideologies leads us to expect diversity in party conflict regulation (showing in different levels of intra-organizational juridification), organizations' exposure to the same legal environment can create pressure to adopt similar intra-organizational procedures instead, thereby leading to the convergence of conflict regulation regimes.²⁸ While it is widely accepted that legal environments influence organizations in their operations, the nature of this influence still constitutes an important puzzle. Edelman and Suchman distinguish two perspectives on how the law affects organizations (voluntary and others), a materialist and a culturalist one,²⁹ through which we can theorize the consequences of (externally imposed) juridification defined as the proliferation of the law in formerly unregulated areas.³⁰ In our case, this refers to intra-organizational governance (party juridification).

The first perspective conceptualizes legal regulation as a system of concrete rewards and penalties imposed on organizations to alter their behaviour, with organizations making calculated decisions to avoid the law's costs and profit from its benefits.³¹ Culturalists, however, see the law as a 'pervasive belief system' – one that legitimates organizational forms and shapes their internal norms accordingly. Consequently, while the materialist perspective expects actors to evade the constraints of the law as far as possible, the culturalist perspective expects them to adopt structures and practices because the socio-legal environment presents them as responsible and legitimate without this being formally imposed.³² This distinction suggests two contrasting hypotheses regarding what patterns of

organizational convergence (associated with different levels of juridification) to expect once organizations face formal-legal constraints.

Starting with the *material perspective* and considering organizations that operate in a legal environment that treats organizations' internal operations as a private matter, conflict regulation regimes should be shaped by organizations' values and ideologies, even if these contrast strikingly with the norms underpinning the organizations' legal environment. We should find that regimes of conflict regulation are only similar (assuming organizations hold different preferences regarding how to balance 'voice' and 'control') in the particular elements that legal regulation explicitly prescribes. Even in a highly regulated democratic state we should find some diversity as not every aspect of conflict regulation regimes is likely to be pre-defined by law, leaving leeway to organizations to implement their own solutions, which – following the materialist perspective – they are expected to exploit.

H2.1 (*Coercive Convergence Hypothesis*): Once organizational governance is made subject to formal-legal regulation, conflict regulation regimes within organizations converge in the regulated areas *in line with* formal-legal requirements.

Theorizing the consequences of legal regulation from a *culturalist perspective* instead, once formal-legal provisions explicitly target organizations' internal processes, central principles incorporated and represented by the socio-legal environment in the longer term become a relevant point of reference for organizations to legitimize themselves. This can include elements of how the (state) legal system protects citizens' rights and assures due process, which organizations can be expected to emulate to present themselves as responsible and legitimate,³³ suggesting a process of voluntary rather than coercive convergence. If so (and given that legal requirements are sufficiently stable to become a 'normative' reference point in organizations' environment), the resulting inter-organizational similarities of conflict

regulation procedures should go beyond those aspects of conflict regulation imposed by the law. That is, in the case of voluntary convergence juridification as response to formal-legal constraints should be more pronounced than expected under coercive convergence.

H2.2 (*Voluntary Convergence Hypothesis*): Once organizational governance is made subject to formal-legal regulation, conflict regulation regimes within organizations converge in the regulated areas, *transcending* formal-legal requirements.

While the following empirical analysis of the juridification of party conflict regulation procedures will focus – in line with our hypotheses – on the role of parties’ ideological dispositions and their exposure and response to formal-legal constraints, it will consider a range of systemic and party-level factors that, based on existing research, could be expected to affect the nature of party regulation on the one hand and the potential for conflict in an organization (which might in turn affect conflict regulation procedures) on the other. On the system level, we will consider the implications of democratic age and an authoritarian past for party law provisions as new democracies, especially those with an authoritarian past, have been associated with the adoption of extensive party regulation as a safeguard for the newly established democratic regime. On the party level, we will consider party size as a proxy for intra-organizational heterogeneity as well as newness in the parliamentary arena and participation in government, two constellations that generate new lines of conflicts within a party organization but also intensify media attention and, with it, pressures on the organizations to act in a unified manner requiring effective conflict regulation procedures.³⁴

Case Selection and Data

Selecting ‘Most Different’ Legal Environments

For our hypotheses to be applicable, organizations need to operate in consolidated democracies where the rule of law is well established and, once passed, laws are enforced.³⁵ Only under these conditions can legally-induced convergence be expected, especially the voluntary form which presupposes that laws are not only relevant in the form of specific ‘imposed’ constraints on actors’ autonomy, but represent broader norms that are embraced by the society they regulate.³⁶ The UK, Norway, Germany and Spain meet this basic scope condition, while varying the formal-legal constraints on party governance, thereby constituting a most different set of cases.³⁷ All four countries have a ‘party law’ (a single legal document bringing together rules applying specifically to parties),³⁸ while covering the range of constraints on intra-organizational governance embedded in such laws.³⁹ The German and Spanish party laws regulate how party conflicts ought to be addressed (see details below), the party laws in UK and Norway do *not* contain any legal provisions targeting organizational governance.⁴⁰ The four countries also represent different legal systems (Common law, Nordic, Germanic and Napoleonic)⁴¹ assuring that difference between the two ‘pairs’ cannot be accounted for by differences in legal tradition.

Consequently, in the UK and Norway, parties’ internal life has remained – as that of other associations – a private matter.⁴² In line with H1, we should find considerable differences in the juridification of conflict regulation between parties within and across the two settings, reflecting parties’ own ideological dispositions. To examine our two ‘convergence hypotheses’ (H2.1/2), Germany and Spain have party laws regulating intra-organizational matters, taking parties’ internal life from the private to the public realm,⁴³ and making conflict regulation subject to a set of ‘objective’ legal constraints and (potential) normative pressures to emulate legal standards underpinning state democracies more widely.

Table 1 identifies the legal provisions *requiring* the juridification of party conflict regulation in each democracy (column 4).⁴⁴ Identifying these constraints is essential in evaluating whether – if we find similarities in conflict regulation procedures across parties in a country – they are the result of legally imposed constraints or a voluntary response to ‘normative’ pressures.

- **Table 1 about here** -

Considering the differences in the formal-legal constraints established in German and Spanish party law (Table 1), the former prescribes eight characteristics of conflict regulation regimes, the latter only four, reflecting the much more liberal character of the Spanish party law, which unlike the German law leaves parties wider leeway to regulate their internal matters (despite the historical influence of the latter on the former).⁴⁵ If parties only comply with provisions they have to (and otherwise follow their ideological orientations) (H2.1 *Coercive Convergence Hypothesis*), we should find considerably more pronounced inter-party differences in Spain than Germany. Simultaneously, party juridification should vary less in both of these two settings than in the UK and Norway where parties’ intra-organizational matters are unconstrained by the law. If, however, German and Spanish parties have instead *voluntarily emulated legal norms* because their intra-organizational processes are subject to external formal-legal constraints making the norms underpinning the state legal system a central normative reference point (H2.2 *Voluntary Convergence Hypothesis*), parties should emulate such norms *despite* them holding conflicting ideologies (as in others it could be simply an expression of their ideological preferences). This, in turn, would suggest that differences in party juridification between Germany and Spain driven by

ideology should be only minor, with only the UK and Norway showing significant inter-party variance in line with our H1 *Ideological Disposition Hypothesis*.

Party Cases and their Statutes

To evaluate our three hypotheses, we examine the emulation of legal norms within party conflict regulation procedures as laid out in national party statutes of all state-wide parties with (national) parliamentary representation in 2015-2017, which provides us with a range of left- and right-leaning parties across all four party systems, using the most recently passed statutes. Studying formal party rules is important and appropriate for an assessment of juridification because they are ‘the legal heart’ of a party organization.⁴⁶ They are articulated in public documents that tell the ‘official story’ of a party, and codify the intra-party processes that provide the formal basis for conflict resolution mechanisms that can be utilized by members and elites (see also our discussion of the constraints formal rules impose on party practices earlier). They provide evidence of the two different dimensions of juridification (externally imposed and voluntary) in that they represent conscious and calculated responses to both social expectations⁴⁷ and the day-to-day challenges faced by a party organization.⁴⁸ Hence, the focus on state-wide parties assures comparability as the parties covered are exposed to similar types of conflicts: ‘horizontal’ conflicts within and across party organs inside and outside public institutions and ‘vertical’ conflicts between national units and subnational branches.⁴⁹ To avoid problems of reverse causation (party laws being modeled based on organizational rules) we exclude the three government parties (CDU, SPD and PP) that drafted the German and Spanish party laws in the first place.⁵⁰ This leaves us with a sample of 23 parties, each country sub-sample containing an ideologically diverse set of parties essential to test our *Ideological Disposition Hypothesis*.⁵¹

Measuring the Juridification of Intra-Party Conflict Regulation Regimes

To capture degrees of intra-organizational *juridification* we follow Agrast et al. who characterize the rule of law as a rules-based system in which (1) the government and its officials and agents (decision-makers) are accountable under the law; (2) the laws are clear, publicized, stable, and fair, and protect fundamental rights, including the security of persons and property; (3) access to justice is provided by competent, independent, and ethical adjudicators, attorneys or representatives, and judicial officers who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve; and (4) the process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient.⁵² Building on this specification, we operationalize core components that contribute to the juridification of conflict regulation inside an organization. Table 2 lists the indicators constructed, which of the four components in the definition they are derived from, and rationalizes the weighting of indicators in the final index based on the relative importance of the component. The Online Appendix provides a more detailed version of Table 2 (Table A3) with specifications of the coding categories and Table A4 provides coding examples for each indicator.

- Table 2 about here -

Each indicator reflects one or several of the four components in the Agrast et al. specification.⁵³ Indicators are weighted according to *whether they capture the realization of fundamental principles necessary to meet the basic standards of rule of law (components 1 and 2) or whether they support its fair and effective implementation (components 3 and 4)*.⁵⁴

Importantly, a party does not meet basic rule of law standards if party officials are formally authorized to change any provision on conflict regulation whenever dealing with a new case, making conflict regulation arbitrary, a process neither clear nor stable to the parties involved (component 2). This is also the case when party officials in charge of the organization cannot be held accountable due to restricted access (component 1) given when conflict regulation deals exclusively with disciplining members and units without providing an avenue to bring forward other cases of non-compliance, including the grievances of members against other members or party elites.⁵⁵ In such scenarios, the presence of procedural measures such as independent tribunals is unlikely to assure due process. In other words, the weighting suggests that a conflict regulation regime has a higher level of juridification when regulating the full range of conflicts (e.g. member behaviour damaging the organization as well as party officials abusing their power or violating the rights of rank-and-file) (component 1) but has weak enforcement (component 4), compared to the opposite configuration, a regime that is devised to *only* allow officials to discipline members and is strongly enforced. This is why components 1 and 2 are weighted most heavily in the final index (1.5). Central procedural features assuring that ‘judges’ are independent and fair in their decision-making such as the independence of the tribunal and possibilities for appeal (component 3) are weighted 1, while features assuring efficient enforcement (component 4) are weighted 0.5. Based on that logic, juridification raw scores can range from 0 to 10. The final scores are standardized from zero to one. Figure A1 in the Online Appendix shows the spread of indicators across parties and countries stressing the wider applicability of our coding scheme.

Findings: The Emulation of Legal Standards in Political Parties – Coercive or Voluntary Convergence?

Figure 1 shows the juridification scores for all parties analyzed, country by country, identifying parties in each party system as either left- or right-leaning based on the ‘general left-right position’ provided by the Chapel Hill expert survey.⁵⁶ To examine Hypothesis 1, the ranking of parties is less relevant than the location of each party in either the left or right ‘bloc’, which is indicated in Figure 2 by the ‘demarcation line’ at the mid-point of each party system (point 5 of 10-point left-right scale provided by Chapel Hill).

To start with an overall observation, parties’ juridification scores are much more diverse within Norway and the UK, two settings without ‘statutory’ interference into intra-party life, than within Germany and Spain, two settings where intra-organizational governance is subject to statutory regulation (see also Figure 2 below). This is in line with our *Ideological Disposition Hypothesis* as in the UK and Norway (in the absence of formal-legal constraints) we find juridification scores in line with parties’ ideological orientation (in turn leading to higher internal diversity): left-leaning parties are more prone to juridification than right-leaning parties. More specifically, in the UK the two parties on the right, the Conservatives and UKIP, have the lowest scores (0.2 and 0.35 respectively). On the left, the Green Party and Liberal Democrats have the highest scores with 0.8, followed by Labour with 0.7. Thus, the UK parties on the left are clearly more inclined towards juridification than parties on the right. The Green Party, reflecting a particularly strong commitment to intra-party democracy,⁵⁷ has the highest score, together with the Liberal Democrats, another organization with a culture of participation among party members.⁵⁸ In Norway, discrepancies between parties in terms of juridification are more pronounced than in the other three party systems and - overall - match ideological patterns, thereby substantiating

our *Ideological Disposition Hypothesis*: the Christian Democrats and the Liberal Party – both right-leaning parties – have the lowest juridification with *no* provisions replicating legal norms in their statutes (and hence have zero scores), followed by the Conservative Party with a score of 0.15, also on the right. All parties in the left bloc have higher scores than the latter, notably the Greens with a juridification score of 0.65 and Labour with a score of 0.55, both parties with strong commitments to member equality. That said, we find the highest score of 0.7 in the right-wing Progress Party, contradicting the overall pattern. Two factors have contributed to this: first, the party used Labour as its template for organization-building rather than a party in its ‘own’ bloc⁵⁹ and, second, suffered from intense organizational conflict addressed by centralizing reforms.⁶⁰ The latter, in turn, generated a greater need to specify requirements and rights for the parties involved in its conflict regulation procedures than faced by other parties. While the methodological implications of this finding needs to be assessed through future research (see on this the conclusion below), parties on the left have – on average - higher levels of juridification than parties on the right, both in Norway and the UK, suggesting that conflict regulation procedures in the UK and Norway reflect intra-party values. This is also substantiated by a Welch’s t-test which confirms that there is a significant difference between the levels of juridification of left-leaning parties and right-leaning parties in these two countries ($t(9.87)=-2.52, p=0.01$).

In contrast, in Germany and Spain (where parties are exposed to formal-legal constraints), party juridification scores are not only generally higher than in the UK and Norway, they are not in line with parties’ ideological dispositions either. In fact, left-leaning parties in Spain such as EQUO and IU present the same juridification scores than right-leaning parties such as Ciudadanos and UPyD. Further, that right-leaning Spanish parties have higher juridification scores than some left-leaning parties, such as PSOE or Podemos,

suggests that ideological dispositions are no major driver of juridification once party law regulates intra-organizational matters. In Germany, all parties present the same level of juridification with a score of 0.95, despite vastly different ideological profiles. As in Spain, German parties' ideological dispositions are not driving party juridification. Hence, unlike in Norway and the UK, there is no significant difference between the level of juridification for left-leaning parties and right-leaning parties in Spain and Germany, as again indicated by a Welch's t-test ($t(6.33)=1.52, p=0.91$).

Figure 1 here

Moving to our contrasting hypotheses on coercive and voluntary convergence as alternative responses to formal-legal requirements, Figure 1 highlights that, in both Germany and Spain, parties have adopted relatively similar levels of juridification. To distinguish coercive from voluntary convergence as a response to formal-legal obligations in each of the two systems, it is important to go back to which indicators measured in our party juridification index were *legally required* by the German and Spanish party laws respectively (see Table 1 for the relevant legal provisions). Essentially, under Spanish party law the benchmark for voluntary convergence is lower as it requires parties to only meet four basic requirements considered in our index: the right to appeal, members' access to conflict regulation procedures, procedures encompassing both sanctions and challenge of rule violations, and the right to be heard before a decision is taken. In contrast, the benchmark in Germany is much higher: German party law specifies requirements in all ten areas covered in the index, with the exception of one of the enforcement indicators - the requirement to provide an outcome in a predefined period (note, however, there is still leeway in *how strictly* parties

implement requirements, as the law does not necessarily prescribe the ‘highest score’ assigned to each indicator in our juridification index).

Keeping in mind that coercive and voluntary convergence can only be assessed *system by system*, Figure 2 shows the average and standard deviation of the party juridification index in each of the countries analyzed.

Figure 2 here

In Spain, the average level of juridification is 0.8 with a standard deviation of 0.07, showing very low inter-party variation and illustrating convergence in the levels of juridification among the different parties. If the convergence of legal requirements was coercive (that is, directed exclusively towards the implementation of specific formal-legal constraints), juridification in Spain should not be much higher than 0.45, the score corresponding to the level of party juridification formally required by the party law. However, this is not what we find: the results show a much higher score of juridification in all Spanish parties (scores range from 0.7 to 0.85), going clearly beyond what is legally required and substantiating our *Voluntary Convergence Hypothesis* (H2.2). Aspects of juridification not prescribed by the law but nonetheless adopted by all or most of the Spanish parties include, for instance, the establishment of a timeframe for decision-making and the requirement of an appeal body.

In Germany, where – compared to Spain – more than twice as many legal requirements related to juridification are in place, we find that all parties have the same juridification score (0.95). If convergence to legal requirements was coercive the score of the party juridification index should be 0.85 (again the score corresponding to legal requirements) but that is not the case. This suggests that also in Germany parties have

transcended formal-legal requirements in line with our *Voluntary Convergence Hypothesis* (H2.2). For instance, all parties but the FDP, include provisions in their statutes that require decisions to be made in a predefined time frame, which is not prescribed by the law. Our results thus suggest that, once party governance is legally regulated, parties emulate norms underpinning the state legal system above and beyond what is legally required, as visible in the juridification of their conflict regulation regimes.

Concluding with alternative explanations, the cross-country variation in the levels of juridification among EU member and non-member states as well as old and new democracies⁶¹ suggests that neither of them shape juridification patterns. Previous research suggests that an authoritarian past incentivizes the adoption of extensive party regulation as a safeguard for the newly established democratic regime.⁶² However, not all countries with an authoritarian past regulate intra-organizational matters.⁶³ More to the point, while we find (as a response to party laws) higher juridification levels in Germany and Spain (both of which have an authoritarian past), the presence of parties with high juridification scores in all four countries analyzed suggests that such experience is not a necessary condition for juridification. Similarly, party-level factors (other than ideology) such as party size, newness in parliament and participation in national government cut across the party juridification patterns found in our analysis.⁶⁴ Major parties tend to be internally more heterogeneous, potentially inviting more internal conflict. However, there is no significant relationship between major vs. minor party status and juridification level (Welch's test ($t(10.93)=-1.07$, $p=0.31$)). Furthermore, being new in the national parliamentary arena tends to put parties under considerable strain.⁶⁵ They are for the first time confronted with the pressure to function in public office and to reconcile tensions between those pressures and demands of

the extra-parliamentary organization, while being exposed to enhanced media attention. However, parliamentary newcomers with no more than two terms experience do not have significantly higher levels of juridification (Welch's test $t(18.98)=-1.59, p=0.06$). Similarly, research has indicated that participation in government enhances divides within parties, while putting them under greater pressure to assure internal cohesion, making effective conflict regulation regimes paramount.⁶⁶ Our results, however, do not show significant differences between parties with and without government experience either (Welch's test $t(20.92)=0.003, p=0.50$).

Conclusion

In a broader climate of disaffection with traditional political institutions, voluntary organisations, including political parties, face significant challenges to their organizational integrity and legitimacy.⁶⁷ Meanwhile, as parties face increasing regulation from the state – particularly in areas once considered their 'private' affairs,⁶⁸ they must find a way to maintain organizational discipline whilst accommodating intra-organizational diversity. Reconciling these tensions is no easy task. While strengthening and enforcing members' rights might enhance organizational legitimacy, it also comes at the cost of effectively managing internal conflict.⁶⁹ Consequently, voluntary convergence has important implications for the everyday management of diversity and cohesion within membership organizations, fundamental to their sustainability and survival. This is all the more significant if party members increasingly go to court to overturn unwelcome internal decisions. This can not only be done on grounds of parties violating external legal requirements but depending on the legal system also when parties violate their *own* rules.⁷⁰ Thus, even when

parties emulate legal standards in their statutes voluntarily, they open the door for more state involvement

Utilizing the concept of juridification,⁷¹ we suggested that organizations' responses to this tension within their conflict regulation regimes are shaped by two factors: their ideological disposition and the external legal environment in which they operate. In line with our theoretical expectations, our findings suggest that in legal environments where parties are free to structure themselves according to their own beliefs and priorities (as in the UK and Norway), organizations do indeed meet the challenges related to conflict regulation in different ways reflecting basic ideological dispositions. Where the internal life of parties is targeted by the law (as in Spain and Germany), conflict regulation procedures are much less reflective of the ideological disposition of parties. Instead, they show a pattern of voluntary convergence. Rather than simply comply with the minimum required by the law (coercive convergence), ideologically diverse parties adopt similar intra-organizational rules echoing the standards underpinning the state legal system, thereby assimilating beyond what is legally necessary (voluntary convergence).

The support we found for our voluntary convergence hypothesis has important implications for how we think about the impact of the external legal environment on internal organizational structures and processes. Our research suggests that the legal environment in which parties operate has a much broader effect than simply imposing 'objective' constraints, but functions as a 'pervasive belief system' that legitimates organizational forms and shapes their internal norms.⁷² This is likely to affect other areas of internal governance such as party finances. Transparency of party funding, for instance, is increasingly required by law⁷³ as reflection of broader attempts to enhance transparency in

governance affecting both public and private actors (e.g. interest groups, parties or charities).⁷⁴ Once exposed to such formal-legal constraints, organizations are incentivized to promote transparency above and beyond what is required to enhance their legitimacy. Legally requiring parties to implement intra-organizational democracy is likely to invite similar responses.⁷⁵

Of course, given that the extent to which formal-legal regulation targets intra-organizational governance is by no means uniform across advanced democracies,⁷⁶ the co-existence of uniformity and diversity in party organization⁷⁷ is likely to be a lasting feature. Nevertheless, voluntary convergence suggests an assimilation between parties⁷⁸ above and beyond what is legally required once regulation is put into place, shifting the balance towards uniformity. This is all the more the case as cross-national studies on the legal regulation of party governance indicate that regulations adopted across different countries – inspired by the ‘mass party model’ – tend to resemble each other suggesting incentives towards uniformity not only within but also across legal systems.⁷⁹ To the extent that organizations *identify* with norms embedded in their socio-legal environment, whether in line with internally held beliefs or not,⁸⁰ this unintentionally reduces freedom of association manifest in citizens’ ability to build and maintain organizations in line with their own beliefs.⁸¹ On normative grounds the equal treatment of organizational members in conflict situations (or organizational compliance with democratic principles more generally) seems difficult to reject. However, if organizations mobilizing citizens ought to reflect diversity and pluralism to do justice to a diverse society (that inevitably encompasses citizens holding authoritarian rather than democratic values), the voluntary convergence suggested by our findings might be less of a blessing.⁸² This is particularly problematic as party regulation – as government regulation generally - has been associated with lower level of trust.⁸³

To which extent legal attempts to support the implementation of norms underpinning liberal democracy within voluntary organizations such as parties might - paradoxically – constrain pluralism is an important area for future research. We need to examine the juridification of party rules in other areas of party governance, not only looking at the internal procedures parties adopt voluntarily or in response to legal constraints, as done in this study, but also consider possible and actual responses of the state authorities to party non-compliance when facing legal constraints. Also, to broaden support for our hypotheses, we need to assess the juridification of parties in a wider range of legal settings than those studied here, which would enable us to qualify some counterintuitive findings. For instance, the Norwegian Progress Party adopted elaborate conflict regulation procedures to assure its own functioning, against its own ideological dispositions and in a legally permissive environment. A broader application can settle whether the Progress Party is an outlier suggesting that most parties (if not exposed to formal-legal constraints) adopt internal rules reflecting their beliefs even in face of intense conflict or whether this case points to alternative conditions for high juridification in unregulated settings that should be theorized alongside ideology.

Meanwhile, a longitudinal analysis of party law change and its implications for the nature of party conflict regulation could grant more nuanced insights in a possible interconnection between coercive and voluntary convergence. Voluntary convergence – visible in an over-fulfilment of legal obligations – assumes party laws to be an established part of the political system's socio-legal environment (which presupposes rules to be stable and accepted for a certain period). Relaxing this condition in a longitudinal design, we could

examine whether parties confronted with a new law at first adopt to it only minimally (reflecting a coercive patterns), and move towards a voluntary pattern only later.

Finally, the last avenue for future research is the most encompassing and concerns the study of juridification of rules also within other types of membership organizations such as interest groups or public benefit organizations, which in many democracies are also increasingly exposed to legal constraints.⁸⁴ While ideological differences – theorized in Hypothesis 1 - are likely to matter less for organizations that present themselves as bi-partisan to maximize their policy influence,⁸⁵ ideology is an important driver for parties and movements alike.⁸⁶ Meanwhile, there is no reason why our *Voluntary Convergence Hypothesis* should not be applicable to voluntary organizations generally. To examine whether voluntary convergence to external legal constraints is a broader phenomenon is an important avenue for future research to establish the extent to which the consequences of the growing formal-legal regulation of other organizations mobilizing civil society is similarly pervasive as those of political parties or whether parties, in charge of running the state, are particularly receptive to legal influences. This would contribute to recent endeavours towards developing integrated approaches on different types of membership organizations including parties and groups⁸⁷ with the potential to generate broader insights into how the law shapes organized civil society, both intentionally and unintentionally.

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NOTES

1. Lauren B. Edelman and Mark C. Suchman, "The Legal Environments of Organizations," *Annual Review of Sociology*, 23 (August 1997), 480.
2. Following Salamon and Anheier, we define voluntary membership organizations as private (i.e. non-government), non-profit-distributing, self-governing and membership-based; See Lester M. Salamon and Helmut K. Anheier, "Social Origins of Civil Society: Explaining the Nonprofit Sector Cross-Nationally," *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 9 (September 1998), 216.
3. E.g. Jonathan Garton, *The Regulation of Organised Civil Society* (London: Hart Publishing, 2009); Craig Holman and William Luneburg, "Lobbying and Transparency: A Comparative Analysis of Regulatory Reform," *Interest Groups & Advocacy*, 1 (May 2012), 75-104; Ingrid Van Biezen and Daniela Romée Piccio, "Shaping Intra-Party Democracy: On the Legal Regulation of Internal Party Organizations," in William P. Cross and Richard S. Katz, eds., *The Challenges of Intra-Party Democracy*, (Oxford: Oxford University Press, 2013), 27-48; Fernando Casal Bértoa, Daniela R. Piccio and Ekaterina R. Rashkova, "Party Laws in Comparative Perspective: Evidence and Implications", in Ingrid van Biezen and Hans-Martien ten Napel, eds., *Regulating Political Parties: European Democracies in Comparative Perspective*, (Leiden: Leiden University Press, 2014a), 119-147; Graeme Orr, "Private Association and Public Brand: The Dualistic Conception of Political Parties in the Common Law World," *Critical Review of International Social and Political Philosophy* 17 (March 2014), 332-349.
4. Gunther Teubner, "Juridification: Concepts, Aspects, Limits, Solutions", in Robert Baldwin, Colin Scott, and Christopher Hood, eds., *A Reader on Regulation* (Oxford: Oxford University Press, 1998), 392-3; Lars Christian Blichner and Anders Molander, "Mapping Juridification," *European Law Journal*, 14 (January 2008), 42.
5. Harry W. Arthurs and Robert Kreklewich, "Law, Legal Institutions, and the Legal Profession in the New Economy," *Osgoode Hall Law Journal*, 34 (Spring 1996), 29-30.
6. Blicher and Molander, 2008.
7. Following Borz and Janda we define party organization as the organizational structure of a political party from its basic organisational units to its leadership and the power relations across these units. See Gabriela Borz and Kenneth Janda, "Contemporary Trends in Party Organization: Revisiting intra-party democracy," *Party Politics*, Online First (February 2018), 1.
8. Bert Fraussen and Darren Halpin, "Political Parties and Interest Organizations at the Crossroads: Perspectives on the Transformation of Political Organizations," *Political Studies Review*, 16 (February 2018), 25-37.
9. E.g. Miki Caul Kittilson and Susan E. Scarrow, "Political Parties and the Rhetoric and Realities of Democratization," in Bruce E. Cain, Russell J. Dalton, and Susan E. Scarrow, eds., *Democracy Transformed: Expanding Political Opportunities in Advanced Industrial Democracies*, (Oxford: Oxford University Press, 2003), 59-80; William P. Cross and Richard S. Katz, *The Challenges of Intra-Party Democracy* (Oxford: Oxford University Press, 2013); William P. Cross, Ofer Kenig, Scott Pruyers and Gideon Rahat, *The Promise and Challenge of Party Primary Elections* (Montreal: McGill-Queen's University Press, 2016); Giulia Sandri, Antonella Seddone and Fulvio Venturino, eds., *Party Primaries in Comparative Perspective* (London: Routledge, 2015).
10. On parties see, for instance, Elmer Eric Schattschneider, *Party Government* (New York: Rinehart, 1942); Gideon Rahat, Reuven Y. Hazan and Richard S. Katz, "Democracy and Political Parties: On the Uneasy Relationships between Participation, Competition and Representation," *Party Politics*, 14 (November 2008), 663-683; Sergiu Gherghina and Benjamin von dem Berge, "When Europeanisation

Meets Organisation: enhancing the rights of party members in Central and Eastern Europe," *Journal of European Integration*, 40 (Published Online December 2017), 209-226; Benjamin von dem Berge and Peter Obertvon, "Intra-Party Democracy in Central and Eastern Europe. Explaining Change and Stability from 1989 until 2012," *Party Politics*, 24 (November 2018), 652–662; on groups see Nancy L. Rosenblum, *Membership and Morals The Personal Uses of Pluralism in America* (Princeton: Princeton University Press, 1998); Anne Skorkjær Binderkrantz, "Membership Recruitment and Internal Democracy in Interest Groups: Do Group-Membership Relations Vary Between Group Types?", *West European Politics*, 32 (April 2009), 657-678; Darren R. Halpin, "The Participatory and Democratic Potential and Practice of Interest Groups: Between Solidarity and Representation," *Public Administration*, 84 (December 2006), 919-940; Darren R. Halpin, *Groups, Democracy and Representation: Between Promise and Practice* (Manchester: Manchester University Press, 2010).

11. E.g., on factionalism Françoise Boucek, "Rethinking Factionalism: Typologies, Intra-Party Dynamics and Three Faces of Factionalism," *Party Politics*, 15 (July 2009), 455-85; Françoise Boucek, *Factional Politics: How Dominant Parties Implode or Stabilize* (Basingstoke: Palgrave Macmillan, 2012); on conflict within governments Moshe Maor, "Intra-Party Conflict and Coalitional Behaviour in Denmark and Norway: The Case of highly Institutionalized Parties," *Scandinavian Politics Studies*, 15 (June 1992), 99-116; Moshe Maor, *Parties, Conflict and Coalitions in Western Europe: Organisational determinates of coalition bargaining* (London: Routledge, 1998); Daniela Giannetti and Kenneth Benoit, eds., *Intra-Party Politics and Coalition Governments in Parliamentary Democracies* (London: Routledge, 2008); Martin Seeleib-Kaiser, "Socio-Economic Change, Party Competition and Intra-Party Conflict: The Family Policy of the Grand Coalition," *German Politics*, 19 (September-December 2010), 416-428; on conflict within new parties Ferdinand Müller-Rommel and Thomas Poguntke, eds., *Green Parties in National Governments* (London: Frank Cass Publishers, 2002); Sarah L. de Lange and David Art, "Fortuyn versus Wilders: An Agency-based Approach to Radical Right Party Building," *West European Politics*, 34 (November 2011), 1229–49; Nicole Bolleyer, *New Parties in Old Party Systems: Patterns of Persistence and Decline in 17 Democracies* (Oxford: Oxford University Press, 2013a).

12. While the literature around the 'three faces of party' (the party in public, in central office and the party on the ground) deals with the balance of power and related conflict between these three components within party organization (see Richard S. Katz and Peter Mair, "The Evolution of Party Organizations in Europe: The Three Faces of Party Organization," *The American Review of Politics*, 14 (January 1994), 593-617), it tends not to specify through which mechanisms day-to-day conflict is resolved. But see on procedures of conflict regulation specifically Sergiu Gherghina, "Shaping Parties' Legitimacy: Internal Regulations and Membership Organisations in Post-Communist Europe," *International Political Science Review*, 35 (June 2014), 291-306; Rodney Smith and Anika Gauja, "Understanding Party Constitutions as Responses to Specific Challenges," *Party Politics*, 16 (November 2010), 755-775.

13. E.g. Richard S. Katz, "The Internal Life of Parties," In Kurt Richard Luther and Ferdinand Müller-Rommel, eds., *Political Parties in the New Europe: Political and Analytical Challenges 1st ed.* (Oxford: Oxford University Press, 2002), 87-118; Graeme Orr, "Justifications for regulating party affairs: Competition no public funding," In Keith Ewing, Jacob Rowbottom and Joo-Cheong Tham, eds., *The Funding of Political Parties: Where Now?* (London: Routledge, 2012), 245-260; Orr, 2014; Garton, 2009; Anika Gauja, *Political Parties and Elections: Legislating for Representative Democracy* (Farnham: Ashgate, 2010); Anika Gauja, "The Legal Regulation of Political Parties: Is There a Global Normative Standard?", *Election Law Journal*, 15 (March 2016), 4-19; Mark Sidel, *Regulation of the Voluntary Sector: Freedom and Security in an Area of Uncertainty* (London: Routledge, 2010); Kerry

- O'Halloran, *The Politics of Charity* (London: Routledge, 2011); Ingrid Van Biezen, "Constitutionalizing Party Democracy: The Constitutive Codification of Political Parties in Post-War Europe," *British Journal of Political Science*, 42 (January 2012), 187-212; Holman and Luneburg, 2012; Van Biezen and Piccio, 2013; Casal Bértoa et al., 2014a; Paul Whiteley, "Does Regulation Make Political Parties More Popular? A multi-level analysis of party support in Europe," *International Political Science Review*, 35 (June 2014), 376-399.
14. Schattschneider, 1942.
 15. E.g. James G. March, *Decisions and Organizations* (Oxford: Wiley-Blackwell, 1988); M. Afzalur Rahim, "Towards a Theory of Managing Organizational Conflict," *The International Journal of Conflict Management*, 13 (2002), 206-235; Gherghina, 2014.
 16. Note when we speak of *party* juridification, we refer to the nature of *intra-organizational rules*. This is separate from any formal-legal constraints that statutory legislation might impose on organizations (i.e. *externally imposed* juridification), which we look at as one influence on *party* juridification.
 17. Niklas Bolin, Nicholas Aylott, Benjamin von dem Berge and Thomas Poguntke, "Patterns of Intra-Party Democracy across the World," In Susan E. Scarrow, Paul D. Webb and Thomas Poguntke, eds., *Organizing Political Parties: Representation, Participation and Power* (Oxford: Oxford University Press, 2017), 158-184; Kittilson and Scarrow, 2003, 62; Herbert P. Kitschelt, *The Logics of Party Formation: Ecological Politics in Belgium and West Germany* (Ithaca: Cornell University Press, 1989).
 18. Edelman and Suchman, 484-5; 493.
 19. Arturs and Kreklewich, 1996, 18; Teubner, 1998; Blicher and Molander, 2008.
 20. Mauro Cappelletti, *The Judicial Process in Comparative Perspective* (Oxford: Clarendon Press, 1989), 32-3; Note that we would not expect our hypotheses to apply to anti-system parties (on the ideological left or right), which reject constitutional norms underpinning liberal democracy. Only when accepting those norms can we reasonably expect parties to emulate them in their internal procedures. Considering the range of parties we analyze and taking 'ideological anti-systemness' as a party's opposition to defining properties of the democratic system (see Giovanni Capoccia, "Anti-System Parties: A Conceptual Reassessment" *Journal of Theoretical Politics*, 14 (January 2002), 22-3), none of them falls into this category, though some are anti-establishment or challenger parties.
 21. This line of argument builds on work on democracy as predicated on two components that are in tension with each other - a liberal or constitutional pillar (individual rights and the rule of law) and a democratic pillar (right to vote and popular sovereignty) e.g. Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000).
 22. Elites are defined as organizational members who hold organizational status functions.
 23. E.g. Katz and Mair, 1994; Richard Katz and Peter Mair, "The Cartel Party Thesis: A Restatement," *Perspectives on Politics*, 7 (December 2009), 753-766; Jonathan Hopkin, "Bringing the Members Back in? Democratizing Candidate Selection in Britain and Spain," *Party Politics*, 7 (May 2001), 343-361; Van Biezen, 2012; Nicholas Aylott and Niklas Bolin, "Precursory Delegation and Party Leader Selection," *Party Politics*, 3 (June 2016), 55-65; Thomas Poguntke et al., "Party Rules, Party Resources and the Politics of Parliamentary Democracies: How Parties Organize in the 21st Century," *Party Politics*, 22 (November 2016), 661-678.; Bolin et al., 2017.
 24. Nicole Bolleyer, Conor Little and Felix-Christopher von Nostitz, "Implementing Democratic Equality in Political Parties. Organizational Consequences in the Swedish and the German Pirate Parties," *Scandinavian Political Studies*, 38 (June 2015), 158-178; Nicole Bolleyer, Felix-Christopher von Nostitz and Valeria Smirnova, "Conflict Regulation in Political Parties: An Account of Tribunal Decision-Making," *Party Politics*, 23 (November 1, 2017), 834-847.

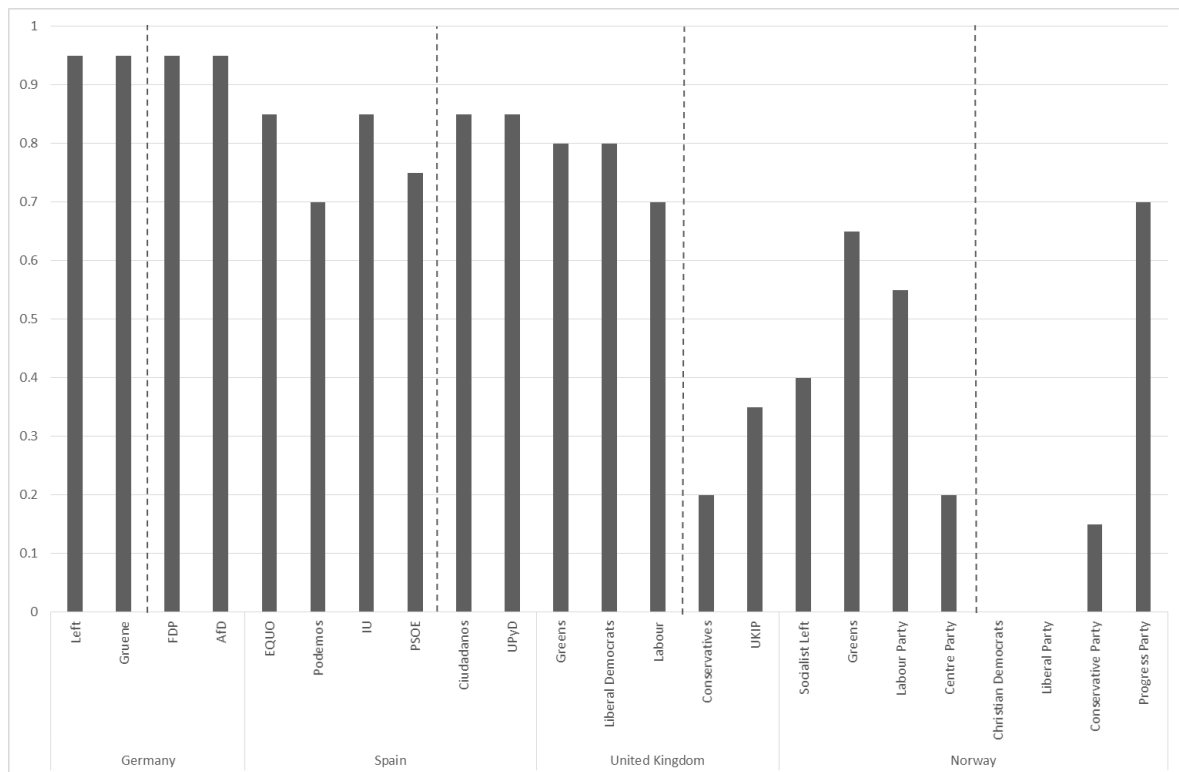
25. Gauja, 2010; Orr, 2014.
26. Bolin et al., 2017, 165; Swen Hutter and Hanspeter Kriesi, *Movements of the Left, Movements of the Right Reconsidered*. In: van Stekelenburg J, Roggeband CM and Klandermans B (eds) *The Future of Social Movement Research: Dynamics, Mechanisms, and Processes* (Minneapolis: University of Minnesota Press, 2013); Kittilson and Scarrow, 2003, 62.
27. See, for example, Emily Van Haute, ed., *Green Parties in Europe* (London: Routledge, 2016); Donatella Della Porta, "Democracy in Social Movements," In Donatella Della Porta and Mario Diani, eds., *The Oxford Handbook of Social Movements* (Oxford: Oxford University Press, 2015), 767; Hutter and Kriesi, 2013, 287-8. The distinction between left- and right-leaning parties widely matches party family distinctions as defined by ideology; Peter Mair and Cas Mudde, "The Party Family and its Study," *Annual Review of Political Science*, 1 (June 1998), 211-229. Liberal parties, whose ideological placement has been described as 'ambivalent' are the exception; see Caroline Close and Emilie van Haute, "Introduction," In Caroline Close and Emilie van Haute, eds., *Liberal Parties in Europe* (London: Routledge, 2019), 5. As we will see later, depending on party system, parties associated with the liberal party family are located either on the left or right side of the ideological spectrum (and associated with different patterns of juridification accordingly).
28. Convergence can be approached as a process of organizations converging towards each other, or – as done in this paper - in terms of its outcome visible in organizations' having adopted similar characteristics; Sarah J. Freeman and Kim S. Cameron, "Organizational Downsizing: A Convergence and Reorientation Framework," *Organization Science*, 4 (February 1993), 10-29.
29. Edelman and Suchman, 1997; Corresponding categories distinguish between rationalist and constructivist notions of the law e.g. David M. Trubek, Patrick Cottrell and Mark Nance, "'Soft Law', 'Hard Law' and EU Integration," In Gráinne de Búrca and Joanne Scott, eds., *Law and New Governance in the EU and the US* (Portland: Hart Publishing, 2006), 65-96.
30. Teubner, 1998, 392-3.
31. Edelman and Suchman, 1997, 484-5; 487; Trubek et al., 2006, 75.
32. Edelman and Suchman, 1997, 493; Van Biezen, 2012, 210; Nevil Johnson, "Law as the Articulation of the State in Western Germany: A German Tradition seen from a British Perspective," *West European Politics*, 1 (1978), 178; Nancy Reichman, "Power and Justice in Sociolegal Studies of Regulation," In Bryant G. Garth and Austin Sarat, eds., *Justice and Power in Sociolegal Studies* (Evanston: Northwestern UP, 2010), 251.
33. Edelman and Suchman, 1997, 493; Reichman, 2010, 251; Johnson, 1978, 188.
34. See, for instance, Maor 1992, 1998; Müller-Rommel and Poguntke, 2002; Kris Deschouwer, ed., *New Parties in Government: In Power for the First Time* (London: Routledge, 2008); Giannetti and Benoit, 2008; Boucek, 2009; 2012; Seeleib-Kaiser, 2010; de Lange and Art, 2011; Van Biezen, 2012; Van Biezen and Piccio, 2013; Bolleyer, 2013a; Nicole Bolleyer and Evelyn Bytzeck, "Origins of Party Formation and New Party Success in Advanced Democracies," *European Journal of Political Research*, 52 (October 2013), 773-796; Stefanie Beyens, Paul Lucardie and Kris Deschouwer, "The Life and Death of New Political Parties in the Low Countries," *West European Politics*, 39 (2016), 257-277.
35. We focus our analysis on national legislation rather than international instruments such the Venice Commission's 'Guidelines on Political Party Regulation', which preserve the right of parties to determine their internal forms, Gauja, 2016, 11. For the same reason, we do not consider the distinction between EU-member and non-EU member as relevant for patterns of party juridification.

36. While a society's trajectory of democratization may influence the adoption of party laws, there is no strong expectation that it will shape the responses of parties to these laws once a democracy is fully consolidated.
37. John Gerring, *Case Study Research: Principles and Practices* (Cambridge: Cambridge University Press, 2007).
38. Casal Bértoa et al., 2014a, 121.
39. Biezen and Piccio, 2013.
40. Casal Bértoa et al., 2014a, 124; Biezen and Piccio, 2013, 37.
41. Konrad Zweigert and Hein Koetz, *Introduction to Comparative Law* (Oxford: Clarendon Press, 1998).
42. Orr, 2014; Jo Saglie and Karl Henrik Sivesind, "Civil society institutions or semi-public agencies? State regulation of parties and voluntary organizations in Norway, " *Journal of Civil Society*, 14 (September 2018), 292-310.
43. Katz, 2002; Biezen and Piccio, 2013.
44. Note the relevant provisions have undergone little or no change since the initial law was passed (see the "Party Law in Modern Europe Database" Available at: http://www.partylaw.leidenuniv.nl/laws/results/type:/body:/year_from:1944/year_till:2013/active:latest%7Cfirst/countries:18/terms:76%7C20%7C21%7C22%7C23%7C185. Accessed on May 2, 2019.
45. Fernando Casal Bértoa, Juan Rodríguez Teruel, Oscar Barberà and Astrid Barrio, "Uneasiness with the Status Quo: Party Regulation and Party Finance in post-Franco Spain (1976-2012)," *Working Paper Series on the Legal Regulation of Political Parties*, No. 25 (June 2012). Available at <http://www.partylaw.leidenuniv.nl/uploads/wp2512.pdf>. Accessed on May 2, 2019; Casal Bértoa et al., 2014a; Fernando Casal Bértoa, Juan Rodríguez-Teruel, Oscar Barberà and Astrid Barrio, "The Carrot and the Stick: Party Regulation and Politics in Democratic Spain," *South European Society and Politics*, 19 (March 2014c), 89-112; Dimitris Th. Tsatsos, "Die politischen Parteien in der Grundgesetzordnung,," In Oscar W. Gabriel/Oskar Niedermayer/Richard Stöss, eds., *Parteiendemokratie in Deutschland* (London: Springer, 1997), 133-156; Edoardo Caterina, "Die Ursprünge des Art. 21 GG: Die Idee der Parteiregulierung in Verfassungsdebatten der Nachkriegszeit," *MIP – Zeitschrift fuer Parteienwissenschaften Heft*, 1 (March 2019), 51-59; While the fight against corruption has been an important theme for the drafting of the Spanish party law and fed into the sections on party funding, the regulation of organizational matters remained comparatively minimal, Casal Bértoa et al., 2014c.
46. Gherghina and von dem Berge, 2017, 211.
47. Poguntke et al., 2016, 662; Anika Gauja, *The Politics of Party Policy: From Members to Legislators* (Basingstoke: Palgrave Macmillan, 2013), 34.
48. Smith and Gauja, 2010.
49. Regionalist (non-state-wide) parties (with national representation) are left out in three of four countries (examples are ERC or PNV in Spain, the SNP or DUP in the UK or the CSU in Germany). As this country pattern cuts across the distinction between legally constraining and permissive countries, while the ideological dispositions of the respective parties cut across the ideological distinction between left- and right-leaning parties, we do not expect this decision to introduce any bias in our findings.
50. Note that while the exclusion of PP, CDU and SPD is the methodologically sound solution, their inclusion in the analysis does not change the basic patterns. An overview of juridification scores including the full range of parties is provided in the Online Appendix in Figure C1. Furthermore, Table C2 gives indications of provisions from the three parties' statutes adopted *after* the respective party laws' adoption that go *beyond* what the party laws required.

51. See Online A, Table A2 for the list of parties and the statutes/party rules analyzed.
52. Mark David Agrast, Juan Carlos Botero and Alejandro Ponce, *WJP Rule of Law Index 2011* (Washington DC: The World Justice Project, 2011).
53. Ibid.
54. While the weighting of the components is conceptually grounded as detailed above, our findings remain the same when party scores are calculated without weighting, i.e. the weighting does not bias our findings.
55. Ibid.
56. Ryan Bakker, Catherine de Vries, Erica Edwards, Liesbet Hooghe, Seth Jolly, Gary Marks, Jonathan Polk, Jan Rovny, Marco Steenbergen and Milada Anna Vachudova, "Measuring party positions in Europe: The Chapel Hill expert survey trend file, 1999-2010," *Party Politics*, 21 (January 2015), 144; Jonathan Polk, Jan Rovny, Ryan Bakker, Erica Edwards, Liesbet Hooghe, Seth Jolly, Jelle Koedam, Filip Kostelka, Gary Marks, Gijs Schumacher, Marco Steenbergen, Milada Vachudova and Marko Zilovic, "Explaining the Salience of Anti-elitism and Reducing Political Corruption for Political Parties in Europe with the 2014 Chapel Hill Expert Survey Data," *Research & Politics*, (January 2017), 1-9; Where available we used over-time averages (1999-2014). For Norway we used the 2014 position; Bakker et al., 2015; Polk et al., 2017. To locate Equo (the only missing party) we used Roberto Biorcio "Green Parties in Southern Europe (Italy, Spain, Portugal and Greece)," in Emily Van Haute, ed., *Green Parties in Europe*, 1st ed. (London: Routledge, 2016), 177-195, and Zack P. Grant and James Tilley, "Fertile Soil: Explaining Variation in the Success of Green Parties," *West European Politics*, 42(2019): 495-516.
57. Lynn Bennie, "Greens in the United Kingdom and Ireland: Weak but Persistent," in Emilie van Haute, ed., *Green Parties in Europe* (London: Routledge, 2016), 196-216.
58. Stuart Wilks-Heeg, Andrew Blick and Stephen Crone, *How Democratic is the UK? The 2012 Audit 2.2 Democratic Role of Political Parties* (Democratic Audit, 2012). Accessed at: <http://www.democraticaudit.com/our-work/the-2012-audit/block-2-representative-and-accountable-government/2-2-the-democratic-role-of-political-parties/>. Accessed on May 4 2019; Paul Whiteley, Patrick Seyd, and Antony Billinghamurst, *Third Force Politics: Liberal Democrats at the Grassroots* (Oxford: Oxford University Press, 2006), 43-5.
59. Lars Svåsand, "Change and Adaptation in Norwegian Party Organizations," In Richard Katz and Peter Mair, eds., *How Parties Organize: Change and Adaptation in Party Organizations in Western Democracies* (London: Sage, 1994), 307.
60. Karl Magnus Johansson, *How Populist Parties Organize* (PESO Research Report No 2, School of Social Sciences Södertörn University, 2014), 20.
61. Spain is qualified as 'new' as democracy that— unlike the other three countries — has democratized several decades after WWII, see Casal Bértoa et al., 2014c.
62. E.g. Biezen, 2012.
63. E.g. Italy and Greece, see Eugenio Pizzimenti, "The Evolution of Party Funding in Italy: A Case of Inclusive Cartelisation?," *Modern Italy*, 22 (February 2017), 71-85; Daniela R. Piccio, "A Self-Interested Legislator? Party Regulation in Italy," *South European Society and Politics*, 19 (March 2014), 135-152; Biezen and Piccio, 2013; Casal Bértoa et al., 2014a.
64. See for the variation across our party sample Online Appendix, Table B1.
65. See, for instance de Lange and Art, 2011; Bolleyer, 2013a; Bolleyer and Bytzek, 2013; Beyens et al., 2016.
66. See, for instance, Maor 1992, 1998; Müller-Rommel and Poguntke, 2002; Deschouwer, 2008; Giannetti and Benoit, 2008; Seeleib-Kaiser, 2010.

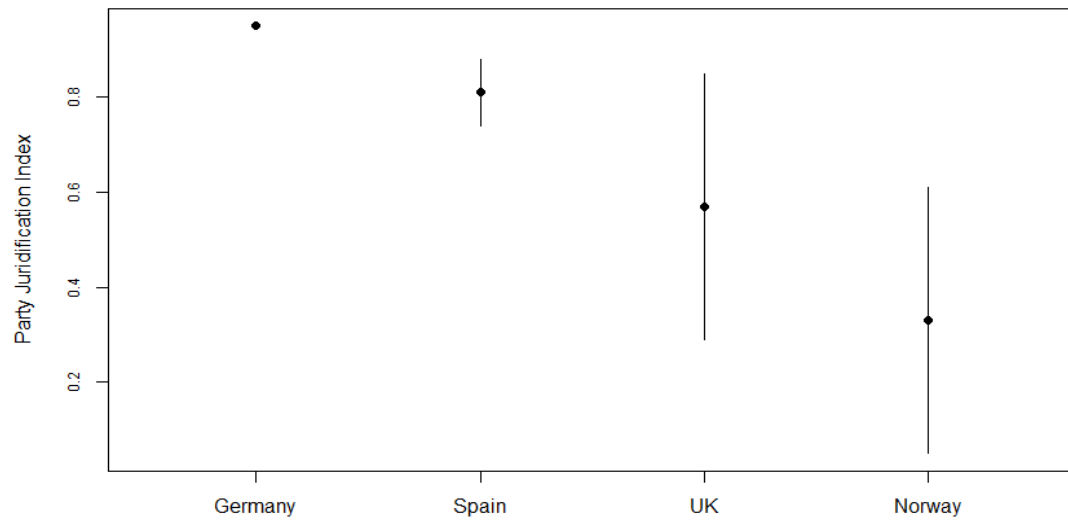
67. Rudy B. Andeweg, "Beyond Representativeness? Trends in Political Representation, " *European Review*, 11 (May 2003), 147-161; Russell J. Dalton, David M. Farrell, and Ian McAllister, *Political Parties and Democratic Linkage: How Parties Organize Democracy* (Oxford: Oxford University Press, 2012); Rudy B. Andeweg and David M. Farrell, "Legitimacy Decline and Party Decline, " in Carolien van Ham, Jacques Thomassen, Kees Aarts and Rudy Andeweg, eds., *Myth and Reality of the Legitimacy Crisis* (Oxford: Oxford University Press, 2017), 76-94.
68. E.g. Van Biezen and Piccio, 2013; Orr, 2012; Casal Bértoa et al., 2014a.
69. Rahat et al., 2008; Cross and Katz, 2013; Cross et al., 2016.
70. Orr, 2014.
71. Blicher and Molander, 2008.
72. Edelman and Suchman, 1997, 493; Van Biezen, 2012, 210; Johnson, 1978, 178.
73. Fernando Casal Bértoa, Fransje Molenaar, Daniela R Piccio and Ekaterina R Rashkova, "The World Upside Down: Delegitimising Political Finance Regulation," *International Political Science Review*, 35 (June 2014b), 274-5.
74. Archon Fung, Mary Graham and David Weil, *Full Disclosure: The Perils and Promise of Transparency* (Cambridge: Cambridge University Press, 2007); Holman and Luneburg, 2012; Susan D. Phillips and Steven Rathgeb Smith, "A Dawn of Convergence?: Third Sector Policy Regimes in the 'Anglo-Saxon' Cluster, " *Public Management Review*, 16 (October 2014), 1141-1163.
75. Van Biezen and Piccio, 2012, 39.
76. E.g. Gauja, 2010; Casal Bértoa et al., 2014.
77. Poguntke et al., 2016.
78. Katz and Mair, 2009, 759
79. Biezen and Piccio, 2013, 48.
80. Edelman and Suchman, 1997; Johnson, 1978; Reichman, 2010.
81. Orr, 2012.
82. Rosenblum, 1998.
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84. E.g. Garton, 2009; Sidel, 2010; Holman and Luneburg, 2012; Nicole Bolleyer, *The State and Civil Society: Regulating Interest Groups, Parties and Public Benefit Organizations in Contemporary Democracies* (Oxford: Oxford University Press, 2018).
85. Darren Halpin, *The Organization of Political Interest Groups: Designing Advocacy* (Abingdon: Routledge, 2014).
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87. E.g. Nicole Bolleyer, "The Change of Party-State Relations in Advanced Democracies: A Party-Specific Development or Broader Societal Trend? " In Wolfgang C. Müller and Hanne Marthe Narud, eds., *Party Governance and Party Democracy* (New York: Springer, 2013b), 231-252; 2018; Benjamin Farrer, *Organizing for Policy Influence. Comparing Parties, Interest Groups and Direct Action* (London: Routledge, 2017); Fraussen and Halpin, 2018. Milka Ivanosvka Hadjievska and Torill Stavenes, "Maintaining Registration and Tax Benefits: Consequences for Professionalisation of Voluntary Membership Organisations in Norway and the UK" (2019), unpublished manuscript.

Figure 1: Levels of Party Juridification by Country



Note: Source for left-right positioning Bakker et al 2015; Polk et al 2017; Biorcio 2016; Grant and Tilley 2019; for juridification score: own data.

Figure 2: Average Values of Party Juridification Index by Country



Note:

Points represent the average value and lines the standard deviations; Source for juridification scores: own data.

Table 1: A Comparison of Parties' Legal Environments: UK, Norway, Spain and Germany

	Party law regulating organizational governance?	Aspects of intra-party conflict regulation subject to 'imposed juridification' embedded in party law ⁱ
UK	No	n/a
Norway	No	n/a
Spain	Yes	<ul style="list-style-type: none"> - Individual members need to be able to complain about rule violations (access) (Art.8.2.(d)) - An individual member has the right to be informed/heard when subject to disciplinary procedures and sanctions need to be justified (Art.8.3) - Individual right to appeal disciplinary measures (Art. 8.3)
Germany	Yes	<ul style="list-style-type: none"> - Independent tribunals on different levels must be established § 14 (1-2) - Only independent tribunals can expel individuals (§ 10 (4)) - All participants must be granted a 'legal hearing' and due process § 14 (2) - Mechanisms must be in place to counter the bias of a specific tribunal § 14 (2) - An independent appeal body must be established 'on a higher level' in case of expulsions (§ 10 (4)) - In the case of removal from party office and expulsion, decisions must be justified (§ 10 (3)3.); requirement of written justification in case of individual expulsion (§ 10 (5)) - Severe violations are the only admissible grounds for expulsions (individuals or branches) (§ 16 (1); § 10 (4))

Note: See for the legal provisions in full, Table A1 in the Online Appendix.

ⁱ Note in Germany and Spain the courts have tended to interpret the party laws in such a way to sustain the leeway of parties to organize themselves freely within statutory constraints, which means we do not find an expansion of legal requirements through judicial rulings.

Table 2: Indicators for Measuring Party Juridification

Indicator of Juridification	Component of Rule of Law	Weight
Binding quality of conflict regulation rules (predictability of conflict regulation rules)	Laws limit decision-makers; accountability of ruling elite (Component 1), the laws are clear, publicized, stable (Component 2)	Expression of fundamental principles → 1.5
Remit of procedures not only focused on disciplinary purpose but regulating any kind of non-compliance with party rules (by members or elites)	Limitations on decision-makers; accountability of ruling elite (Component 1), laws protect fundamental rights (Component 2)	Expression of fundamental principles → 1.5
Independence of decision-making body (required, not optional)	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Right to appeal	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Appeal body (required, not optional)	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Procedures to protect against bias (e.g. right to request replacement of individual tribunal members)	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Access to use conflict resolution procedure	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Right of those involved to be heard prior to decision	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Decisions have to be made by decision-making body in a predefined time frame	Law enforcement is efficient (Component 4)	Essential for efficient enforcement → 0.5
Decisions have to be justified in writing	Law enforcement is efficient (Component 4)	Essential for efficient enforcement → 0.5

Online Appendix for ‘Legal Regulation and the Juridification of Party Governance’

Appendix A

Table A1. Articles in party laws relevant to juridification (in English)

Germany 1967 Party Law
Art.10
(3) The statutes shall contain provisions governing the following: 1. admissible disciplinary measures against members; 2. reasons for imposing such measures; 3. bodies within the party which may impose disciplinary measures. If any member is discharged of party offices or deprived of qualification to hold them, such decision must be justified. (4). A member may only be expelled from a party if he or she deliberately infringes the Statutes or acts in a manner contrary to the principles or internal rules of the party and thus seriously impairs its standing. (5). The resolution on the expulsion shall be taken by the competent arbitration court in accordance with the arbitration rules. The right to appeal to a higher arbitration court shall be guaranteed. Decisions shall be justified in writing. In urgent and serious cases requiring immediate interference, the executive body of the party or a local organization may exclude a member from exercising his/her rights until such time as the arbitration court has reached a decision.
Art. 14
(1) The party and the highest-level local organizations set up courts of arbitration to settle and decide on disputes between the party or a local organization and individual members as well as disputes on the interpretation and implementation of the statutes. Joint courts of arbitration may be set up to serve a number of local organizations at district level. (2) The members of such courts of arbitration shall be elected for a maximum period of four years. They may not be members of the executive body of the party or a local organization or be in the employment of the party or a local organization or receive regular emoluments from them. They shall be independent and not bound by any instructions.
Art 16
(1) The dissolution and exclusion of subordinate local organizations as well as the termination of whole bodies of local organization shall be permissible only in cases of serious infringement of party principles or rules. The Statutes shall stipulate:

-
1. the reasons justifying the measures and
 2. which higher-level local organization and which local organization body may adopt such measures.

(2) In order to implement a measure pursuant to para. 1, the executive body of the party or a higher-level local organization shall receive confirmation from a more senior body. The measure shall become invalid if it is not confirmed at the next party assembly.

Spain 2002 Party law

Art. 8

2. The statutes will have a detailed list of the rights of members, including, in any event, the following:

d) To challenge agreements adopted by the management bodies which are considered an infringement of the Law or the statutes.

3. Expulsion from the party and other sanction measures which deprive members of their rights may only be imposed through proceedings where both parties are present. The members affected must be guaranteed the right to be informed on the events giving rise to the measures, the right to be heard prior to adopting the measures, the right to a justified reason for the agreement to impose a sanction, and the right to file, as the case may be, an internal appeal.

Source: <http://www.partylaw.leidenuniv.nl/party-law>, accessed September 11 2018.

Table A2. List of parties and national party statutes/constitutions/regulations

Country	Party Name	Statutes/Constitutions/Regulations
Germany	Linke (Left)	Federal Statutes 2015
	Grüne (Greens)	Party Rules 2015
	FDP (Liberals)	Federal Statutes 2016
	AfD (Alternative for Germany)	Federal Statutes 2015
Spain	EQUO (Greens)	Party Statutes II Federal Assembly 2014
	Podemos (United we can)	Party Statutes 2014 Democratic Guarantees Commission Regulation 2014
	IU (United Left)	Party Statutes XI Federal Assembly 2016
	PSOE (Spanish Socialist Workers' Party)	Party Statutes 38 Conference 2012 Guarantees Commission Regulation 2012 Party Members Regulation 2012
	UPyD (Union, Progress and Democracy)	Party Statutes II Conference 2013
	Ciudadanos (Party of the Citizenry)	Party Statutes III Assembly 2013
United Kingdom	Green Party	Party Constitution Spring Conference 2012
	Liberal Democrats	Party Constitution 2016
	Labour Party	Party Rule Book 2016
	Conservatives	Party Constitution 2009
	UKIP (United Kingdom Independence Party)	The Constitution
Norway	Socialist Left	Party Statutes 2015
	Greens	Party Statutes 2016
	Labour Party	Party Statutes 2015
	Centre Party	Party Statutes 2015 Ethical guidelines 2015
	Liberal Party	Party Statutes 2015
	Christian Democrats	Party Statues 2015
	Conservative Party	Party Statutes 2013
	Progress Party	Party Statutes 2016 Ethical and Organizational Guidelines 2016

Table A3. Indicators for measuring party juridification

Indicator of Juridification	Component of Rule of Law	Weight
Binding quality of conflict regulation rules (predictability of conflict regulation rules) ¹	Laws limit decision-makers; accountability of ruling elite (Component 1), the laws are clear, publicized, stable (Component 2)	Expression of fundamental principles → 1.5
Remit of procedures not only focused on disciplinary purpose but regulating any kind of non-compliance with party rules (by members or elites) ²	Limitations on decision-makers; accountability of ruling elite (Component 1), laws protect fundamental rights (Component 2)	Expression of fundamental principles → 1.5
Independence of decision-making body (required, not optional)	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Right to appeal ³	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Appeal body (required, not optional) ⁴	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Procedures to protect against bias (e.g. right to request replacement of individual tribunal members)	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Access to use conflict resolution procedure ⁵	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Right of those involved to be heard prior to decision	Judicial officers are independent, fair (Component 3)	Essential for procedural fairness → 1
Decisions have to be made by decision-making body in a predefined time frame	Law enforcement is efficient (Component 4)	Essential for efficient enforcement → 0.5
Decisions have to be justified in writing ⁶	Law enforcement is efficient (Component 4)	Essential for efficient enforcement → 0.5

Note: Most codes are based on dummy variables (0 = absence of mechanism; 1 = presence), if categorical variables were used, they are specified in footnotes.

¹ For instance, rules do not contain the possibility that the leadership can ad hoc change and create new rules concerning conflict regulation.

² Coding categories: conflict regulation regime covers only disciplinary purpose (0); covers any kind of non-compliance with party rules including those by power holders (1).

³ Coding categories are: this right exists for all sanctions (1), for some sanctions (0.5), for none (0).

⁴ Coding categories: none (0), yes but not independent (0.5), yes and independent (1).

⁵ This is important as procedures cannot only be accessed by leaders to sanction members/units but are also accessible to members who can complain about rule violations generally (be it by organs, other rank-and-file or holders of status functions). Coding categories: individual members have access (1), quorums of members and/ or organs other than leadership have access (0.5), only national leadership has access (0).

⁶ Considered given if this holds for *some* decisions at least.

Table A4. Coding examples

Indicators of Juridification	Example ⁷
No binding quality of conflict regulation rules (no predictability of conflict regulation rules)	<i>The Discipline Committee of the NEC shall have jurisdiction over all matters pertaining to Party Discipline. The NEC may from time to time as it deems appropriate make Rules for the composition of discipline panels and management of matters of discipline and appeals, for the conduct of hearings and appeals under Article 11 and for the procedure and evidence to be used by the Committee.</i> (Art. 11.1, United Kingdom Independence Party, Party Constitution, 2012, UK). ⁸
Remit of procedures not only focused on disciplinary purpose but regulating any kind of non-compliance with party rules (by members or elites)	<i>The Guarantees Committee may declare any internal election invalid, at the request of a party, when there is evidence of significant irregularities and order its repetition.</i> ⁹ (Art.3.15.5. Ciudadanos, Party Statutes, 2012, Spain). <i>(On party member rights) To submit requests and proposals to the governing bodies of the Party, to seek information from them and to appeal to the Guarantees Committee if they feel their rights as members have been violated by an organ of the Party. They are also entitled to seek protection before the same Committee by the agreements of the organs of the party they consider contrary to the law or the statutes</i> ¹⁰ . (Art.2.3.6. Ciudadanos, Party Statutes, 2012, Spain)
Independence of decision-making body (required, not optional)	<i>The members of party tribunals are independent and not bound by any orders (...) The members of party tribunals may not be the member of a party executive body, be employed by the party or receive a regular income from it.</i> (§3 (1-2), AfD, Schiedsgerichtsordnung, 01.02.2015, Germany). ¹¹

⁷ Examples of German, Norwegian and Spanish regulations are based on own translations (the original text is given in footnotes).

⁸ Unlike for the other categories, an example is given for the 0 (not the 1) coding as this condition is met except qualifications are made as illustrated by the example.

⁹ Art. 3.15.5. La Comisión de Garantías podrá declarar inválida cualquier elección interna, a instancia de parte, cuando exista evidencia de irregularidades importantes y ordenar su repetición (Ciudadanos, Party Statutes, 2012).

¹⁰ Art.2.3.6. A presentar peticiones y propuestas ante los órganos directivos del Partido, a recabar información de los mismos y a recurrir a la Comisión de Garantías si consideran que sus derechos como afiliados han sido vulnerados por algún órgano de dirección del Partido. Tendrán también derecho a solicitar amparo ante la misma Comisión por los acuerdos de los órganos del Partido que estimen contrarios a la Ley o a los estatutos (Ciudadanos, Party Statutes, 2012).

¹¹ § 14 (2) Sie [die Mitglieder der Schiedsgerichte] dürfen nicht Mitglied eines Vorstandes der Partei oder eines Gebietsverbandes sein, in einem Dienstverhältnis zu der Partei oder einem Gebietsverband stehen oder von ihnen regelmäßige Einkünfte beziehen. Sie sind unabhängig und an Weisungen nicht gebunden.(CDU, Schiedsgerichtsordnung, 31.12.2015).

Right to appeal ¹²	<p><u>Example of coding category 1:</u> <i>Disciplinary cases shall be heard without delay by a small Tribunal of three members, with a right of appeal to the next available meeting of the Regional Council against the Tribunal's decision and recommended action. [...]</i></p> <p>(Art. 4.IX. Green Party Statutes, 2012, UK)</p> <p><u>Example of coding category 0.5:</u> <i>Decisions on suspensions of public and party elected representatives at regional and local level are made by the executive committee (national level) with 2/3 majority. Decisions by the executive committee can be appealed (in written form) within 3 weeks to the country committee. The latter organ can decide, with simple majority, to reject the appeal or send it back to the executive committee for renewed processing</i> (Art.3.4. The Socialist Left, Party Statutes, 2015, Norway)¹³.</p>
Appeal body (required, not optional) ¹⁴	<p><u>Example of coding category 1:</u> <i>Those concerned are authorized within 14 days to appeal against orders and decisions of regional party tribunals to the national party tribunal¹⁵</i> (§ 21 (2), AfD, Schiedsgerichtsordnung, 01.02.2015, Germany)</p> <p><u>Example of coding category 0.5:</u> <i>The application for leave and the review (if any) will be conducted by a retired Judge appointed by the Board ("the Reviewer")</i> (Art. 84.4 Conservatives Party Constitution, 2009, UK).</p>
Procedures to protect against bias (e.g. right to request replacement of individual tribunal members)	<p><i>Those who have personal or family-related interests (economical, business-like etc.) in a case processed in the party organs or in the groups in the local council, regional council etc. are to be considered as having a conflict of interest, and cannot participate in the consideration of the case.¹⁶</i></p> <p>(Art. 13.19 The Labour Party, Party Statutes, 2015, Norway).</p>

¹² Coding categories are: this right exists for all sanctions (1), for some sanctions (0.5), for none (0).

¹³ Note that this is the only type of sanction with the right to appeal in The Socialist Left Party in Norway.

§ 3-4 Vedtak om suspensjon av tillitsvalgt på lokallags- og fylkesnivå fattes av sentralstyret med 2/3 flertall. Vedtak i sentralstyret kan innen 3 uker skriftlig ankes inn for landsstyret, som med alminnelig flertall kan vedta å avvise anken eller å sende saken tilbake til sentralstyret for ny behandling. (The Socialist Left, Party Statutes, 2015.)

¹⁴ Coding categories: none (0), yes but not independent (0.5), yes and independent (1).

¹⁵ § 21 (2) Gegen die einstweilige Anordnung und andere Beschlüsse der Landesschiedsgerichte steht den Beteiligten die Beschwerde mit einer Frist von 14 Tagen zum Bundesschiedsgericht zu. (AfD, Schiedsgerichtsordnung, 01.02.2015)

¹⁶ Art. 13.19. Den som har personlige eller familiære interesser (økonomiske, forretningsmessige mv.) i en sak som behandles i partiets organer eller i kommunestyregruppe, fylkestingsgruppe, mv. er å anse som inhabile og kan således ikke ta del i behandlingen av saken (The Labour Party, Party Statutes, 2015).

Access to use conflict resolution procedure ¹⁷	<p><u>Example of coding category 1: All members can send complaints to the control committee.</u>¹⁸ (Art. 11.6. The Greens Party Statutes, 2016, Norway)</p> <p><u>Example of coding category 0.5: Any complaint or allegation made of breach of the constitution, rules or standing orders of the Party shall be made in writing to the secretary of the CLP either by a Party branch or by an organisation affiliated to that Party, or by a member of the CLP[...].</u> (Chapter 6 Clause II Art.1.A., Labour Party Rule Book, 2016, UK)</p>
Right of those involved to be heard prior to decision	<i>[...] procedures in which the following rights are guaranteed to those affected: impartiality, hearing, motivation, double instance, presumption of innocence and rehabilitation.</i> ¹⁹ (Art. 11.1. UPyD's Party Statutes II Conference, 2013, Spain)
Decisions have to be made by decision-making body in a predefined time frame	<i>Decision and justification shall be produced in written form within a month.</i> ²⁰ (§ 13 (5) Schiedsordnung der Partei Die Linke, 2014, Germany)
Decisions have to be justified in writing ²¹	<i>The Committee of Democratic Guarantees will act ex officio or at the request of any registered member or party organ through an agile and flexible procedure that will always include a written record.</i> ²² (Art. 29. Podemos Party Statutes, 2014, Spain)

¹⁷ Coding categories: individual members have access (1), quorums of members and/ or organs other than leadership have access (0.5), only national leadership has access (0).

¹⁸ Art. 11.6. Alle partimedlemmer kan sende klager til kontrollkomiteen (The Greens Party Statutes, 2016).

¹⁹ Art. 11.1 [...] procedimientos en los que se garantice a los afectados los siguientes derechos: imparcialidad, audiencia, motivación, doble instancia, presunción de inocencia y rehabilitación (UPyD 's Party Statutes II Conference, 2013).

²⁰ § 13 (5) Beschluss und Begründung sollen innerhalb von einem Monat schriftlich abgefasst werden (Schiedsordnung der Partei Die Linke, 2014)

²¹ Considered given if this holds for *some* decisions at least.

²² Art. 29 La Comisión de Garantías Democráticas actuará de oficio o a petición de cualquier miembro inscrito u órgano del partido a través de un procedimiento ágil y flexible del que siempre constará expediente escrito. Resolverá de forma motivada y acorde con estos Estatutos, el documento de principios éticos, los reglamentos y acuerdos previamente establecidos así como con los principios de democracia, transparencia y demás elementos esenciales a Podemos y siempre de acuerdo a los principios generales del derecho. Sus acciones se materializarán aceptando, denegando o proponiendo una resolución, según sus competencias, al Consejo de Coordinación o a la Asamblea Ciudadana correspondiente (Podemos Party Statutes, 2014).

Figure A1. Number of party juridification indicators across 23 party statutes

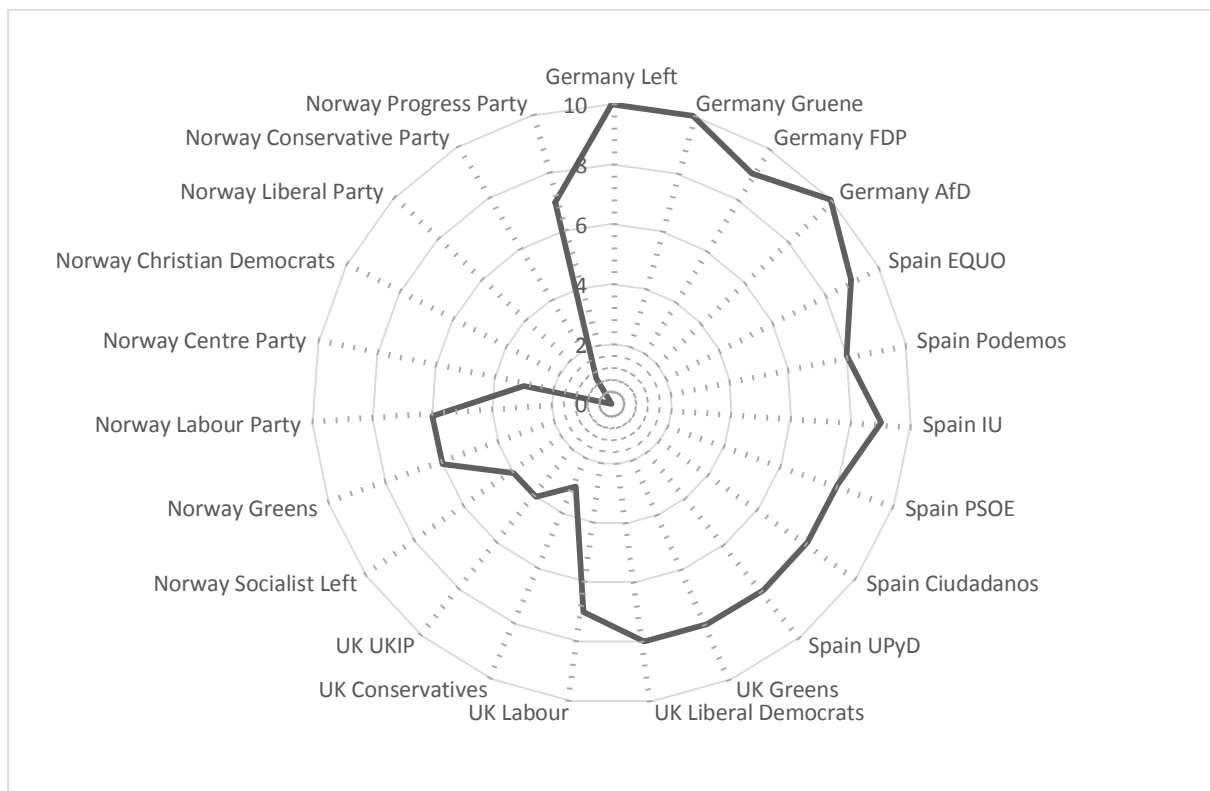


Figure A1 gives an overview of how the indicators spread across the party statutes coded. It shows that all indicators are relevant in all countries covered and present in several political parties per country, with the exception of Norway, where the independence of the decision-making body and the need to justify decisions resolving conflicts in writing are not present in any of the parties' statutes. Finally, only in Norway do we have two cases, the Liberal Party and the Christian Democrats, with party juridification scores of zero. Both the indicators' relevance across legal settings as well as their diverse usage highlight that they capture relevant variation across and within democracies, stressing the wider applicability of our coding scheme. What is also interesting to note is the fact that parties in Norway (a civil law country) are least inclined to 'legalize' their conflict regulation regimes, even less so than in the UK, a common law democracy. Consequently, Figure A1 suggests that variation between parties operating in different legal environments cannot be reduced to a simple civil vs. common law distinction. This differs from previous research suggesting that civil law nations – in contrast to common law nations – are prone to strong intra-organizational juridification, as state-oriented voluntary organizations resemble state agencies.

Appendix B

Table B1. Variation across parties by country

Party	Country	Foundation	New Parliamentary Party	Seats	National Government Participation
Left	Germany	2007	No	64	No
Gruene	Germany	1980	No	63	Yes
FDP	Germany	1948	No	0	Yes
AfD	Germany	2013	Yes	0	No
EQUO	Spain	2011	Yes	0	No
Podemos	Spain	2014	Yes	-	No
IU	Spain	1986	No	2	No
PSOE	Spain	1879	No	110	Yes
UPyD	Spain	2007	Yes	5	No
Ciudadanos	Spain	2005	Yes	-	No
Greens	United Kingdom	1973	No	1	No
Liberal Democrats	United Kingdom	1988	No	8	Yes
Labour	United Kingdom	1900	No	232	Yes
Conservatives	United Kingdom	1834	No	198	No
UKIP	United Kingdom	1993	Yes	0	No
Socialist Left	Norway	1975	No	7	Yes
Greens	Norway	1988	Yes	1	No
Labour Party	Norway	1887	No	55	Yes
Centre Party	Norway	1920	No	10	Yes
Liberal Party	Norway	1884	No	9	No
Christian Democrats	Norway	1933	No	10	No
Conservative Party	Norway	1884	No	30	Yes
Progress Party	Norway	1973	No	29	Yes

Note: The number of seats corresponds to the electoral results at the elections before the party statutes analysed were put into place. New parliamentary parties have been represented in national parliament less than three terms. National government refers to the participation at the national government at any point between the year the party law was passed and the party statutes analysed were put into place.

Source: ParlGov dataset, see <http://www.parlgov.org/>, last accessed September 12 2018

Appendix C

Table C1. Pre-existing provisions on conflict regulation in the statutes of parties that existed prior to the adoption of party laws

Country	Party	Provisions
Germany	CDU	The right to challenge a biased court (§9), only a tribunal elected every four years can expel a member (rather than the executive) (§8), right to be heard prior to decision (§7), justification of decision (§10)
	SPD	Statutes prescribe formation of tribunals to deal with disciplinary mechanisms (§27.4), independent body dealing with complaints about executive (§25), justification of decision (§27, 10.)
Spain	pp	The right to be heard and the right to appeal to sanctions (Art.11 Party Statutes 1990)

Sources: Sozialdemokratische Partei Deutschland, Organisationsstatut 1964; Christdemokratische Partei Deutschlands, Bundesparteigerichtsordnung, 12.18.1951. PP, Estatutos XIII Congreso 1999.

Table C2. New provisions ‘raising of the bar’ regarding intra-organizational juridification after the introduction of the party laws

Country	Party	Provisions
Germany	CDU	The party had a tribunal which was regularly elected by a party commission, but the chairman of tribunals was still part of the executive (§1), hence the tribunal was not independent. The CDU statute prior to the party law did not grant a right to appeal for decisions of the national court (§10).
	SPD	The party had tribunals to handle disciplinary measures prior to 1967, but these tribunals were controlled by the executive ((§27.4), not independent. The executive could expel members in serious cases without right to appeal (§29.1, 3).
Spain	pp	The right to complain about rule violations does not appear in the PP statutes prior 2002.

Sources: Sozialdemokratische Partei Deutschland, Organisationsstatut 1964; Christdemokratische Partei Deutschlands, Bundesparteigerichtsordnung, 12.18.1951. PP, Estatutos XIII Congreso 1999.

Figure C1. Levels of Party Juridification by Country (including parties drafting party laws)

